

Exhibit A

to Hawkins Declaration

Plaintiffs' Motion for Class Certification

Michelo et al. v. Nat'l Collegiate Student Loan Trust 2007-2 et al., No. 18-CV-1781

Bifulco et al. v. Nat'l Collegiate Student Loan Trust 2004-2 et al., No. 18-CV-7692

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Civil Action No. 1:18-cv-017819 (PGG)
4 - - - - -x

5 MUTINTA MICHELO, KATHERINE SEAMAN,
6 MARY RE SEAMAN, and SANDRA TABAR,
7 individually and on behalf of all
8 others similarly situated,

9 Plaintiffs,

10 -against-

11 NATIONAL COLLEGIATE STUDENT LOAN TRUST
12 2007-2, NATIONAL COLLEGIATE
13 STUDENT LOAN TRUST 2007-3;
14 TRANSWORLD SYSTEMS, INC. in its own
15 right and as successor to NCO FINANCIAL
16 SYSTEMS, INC.; EGS FINANCIAL CARE INC.,
17 formerly known as NCO FINANCIAL SYSTEMS,
18 INC; and FORSTER & GARBUS LLP,
19 Defendants.

20 - - - - -x
21 [Second caption on following page]

22 February 11, 2020
23 10:02 a.m.

24 Deposition of BRADLEY LUKE,
25 taken by Plaintiffs, pursuant to
Notice, held at the offices of
Veritext Legal Solutions LLP, 1250
Broadway, New York, New York, before
Kathleen Piazza Luongo, a Notary
Public of the State of New York.

1 Bradley Luke

2 transferred the document via a file share
3 server or system to NCO at the time of
4 the special subservicing transition.

5 Q. What special subservicing
6 transition are you referring to?

7 A. November of 2012, NCO replaced
8 First Marblehead Education Resources, NCO
9 replaced them as the special subservicer.

10 First Marblehead Education
11 Resources was the special servicer prior
12 to that.

13 Q. Who pays the bills for this
14 Las Vegas storage, electronic storage?

15 A. TSI.

16 Q. Has TSI always or NCO always
17 paid that bill?

18 A. Yes.

19 Q. You mentioned a file-sharing
20 system, what kind of file-sharing system;
21 do you know the name of it?

22 A. I don't recall what First
23 Marblehead used at the time.

24 Q. How long has that Las Vegas
25 server been used to house this document

1 Bradley Luke

2 briefly.

3 (Witness peruses exhibit page.)

4 Q. And look up when you're ready.

5 Okay.

6 You have referenced before, I
7 believe, PHEAA; is that correct?

8 A. I referenced American Education
9 Services.

10 Q. Is that another name for PHEAA?

11 A. It's a doing business as.

12 MR. HAWKINS: For the record,
13 Morgan Marcus was out of the room,
14 he's now reentering.

15 Q. Those names are
16 interchangeable, AES and PHEAA; is that
17 right?

18 A. Technically I'm unsure. For
19 our context sometimes people use PHEAA,
20 sometimes people use AES; AES is doing
21 business as particular to the servicing
22 of the Trust loans.

23 Q. So when a consumer sees
24 documents from PHEAA, and if I didn't
25 define it fully, Pennsylvania Higher

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Bradley Luke
Education Assistance Agency, the document
will say at the top AES PA; is that
right.

A. Generally some documents would
say AES/PA.

Q. Okay.
I'm going to refer to that
entity as PHEAA for short; is that
understood?

A. I understand.
Q. Is PHEAA a government agency?
A. Can you clarify your question?
Q. Sure.

Are you aware that some
entities are government agencies and some
are private companies?

A. I suppose.
Q. Okay.
Which one is PHEAA?

MR. CASAMENTO: Objection. Why
are you asking him what sort of
agency or entity PHEAA is?

MR. FRANK: Foundation.
MR. CASAMENTO: All right.

1 Bradley Luke

2 You can answer it if you know.

3 A. My understanding is they're a
4 state agency.

5 Q. Of which state?

6 A. Pennsylvania.

7 Q. Okay.

8 What is PHEAA's relationship to
9 FMC?

10 A. I'm uncertain.

11 Q. What is PHEAA's relationship to
12 Bank One?

13 A. I'm uncertain.

14 Q. What is PHEAA's relationship to
15 TERI?

16 A. I'm uncertain.

17 Q. What is PHEAA's relationship to
18 the Purchaser Trusts referenced in this
19 agreement?

20 A. They were the servicer
21 pertaining to loans that the Purchaser
22 Trusts purchased, either former servicer
23 or current servicer depending on the
24 individual loan status.

25 Q. What causes PHEAA to no longer

1 Bradley Luke

2 be the servicer of a loan held by a
3 Purchaser Trust, including the Trust
4 Defendants herein?

5 A. Charge off an acceleration of a
6 loan due to a default.

7 Q. Could you put that in layman's
8 terms?

9 A. Generally speaking, it's
10 non-payment of the loan extending for six
11 months.

12 MR. HAWKINS: Again, if we
13 could just have everybody hit mute on
14 their computer, I'd really appreciate
15 it.

16 Q. So if a loan is believed to be
17 not being paid on time, it will no longer
18 be serviced by PHEAA; is that correct?

19 A. Yes, if that delinquency
20 extends to six months, the servicing of
21 that loan transitions from PHEAA.

22 Q. Transitions to?

23 A. It would depend on the date of,
24 um, that event occurring.

25 So in today's environment it

1 Bradley Luke

2 would transition to TSI.

3 Q. Okay.

4 What about in -- before 2010,
5 to what entity would it transition?

6 A. In 2009 it would transition to
7 First Marblehead Resources.

8 Q. Okay.

9 A. But the very beginning of 2009,
10 TERI still fulfilled some of the
11 guaranties, so TERI would have guarantied
12 the loan.

13 If it defaulted, let's say, in
14 January, depending on the Trust, TERI
15 could have guarantied that loan and
16 assumed ownership of it and the loan
17 would be transferred to TERI, but by
18 middle to late of 2009, the pledged
19 accounts that we discussed briefly
20 earlier had no more funds so the loans
21 were transitioned, servicing rights from
22 PHEAA to First Marblehead Education
23 Resources.

24 Q. Did any loans, to your
25 understanding, ever get transferred from